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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,358	03/05/2002	Hiroshi Kawahara	P-0285-US	2922

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,358

Applicant(s)

KAWAHARA ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are presented for examination.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on July 6, 2000. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b). (Please clarify whether or not this certified copy of the foreign application was filed with the International Bureau.)

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is directed toward a transaction coordinating device; however, it is not clear where the body of the claim begins nor which elements the device comprises. Furthermore, the metes and bounds of "an insertion of a spot transaction based on a temporary contract without respect to a fixed transaction based on a contract of predetermined term" are unclear. How does the spot transaction being based on a temporary contract affect the scope of the claim as a whole? Also, if the spot

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transaction is inserted without respect to a fixed transaction, why would the predetermined schedule of cargoes transportation related to said fixed transaction have to be adjusted? Additionally, by inserting a spot transaction into a schedule of cargoes transportation, can an additional means of transportation be added to the schedule or is the spot transaction assigned to one of the existing means of transportation already included in the schedule? Claims 2-7 are dependent from claim 1 and fail to remedy these issues raised under 112, 2nd paragraph; therefore, the same rejections apply.

Claim 4 recites that "said transportation adjusting portion arranges an insertion of cargo transportation of said spot transaction without changing said transportation schedule" (lines 2-4), yet subsequently recites that "said transportation adjusting portion arranges an insertion of cargo transportation of said spot transaction by changing said transportation schedule in the event that the adjustment is impossible, said transportation adjusting portion arranges an insertion of cargo transportation of said spot transaction by changing another transportation schedule within a certain range in the event that the adjustment is impossible." If the transportation schedule is unchanged (as per lines 2-4), how can the cargo transportation be added to the schedule? Also, if the adjustment of a schedule is "impossible," how can a cargo transportation be inserted into the schedule? By adding a new cargo transportation to a schedule, doesn't this refer to a change in the schedule as a whole? Additionally, what is meant by it being "impossible" to adjust a schedule? Who or what prevents the schedule from being adjusted and how is this accomplished?

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Claim 7 is recited as being dependent from "at least one of claims 1 through 6."

A multiple dependent claim may only be dependent from one claim at a time. The phrase "at least one of" implies that claim 7 may be dependent from anywhere from one through all six of claims 1-6, which is improper.

Claims 8-22 recite limitations similar to those recited in claims 1-7; therefore, the same rejections under 112, 2nd paragraph apply as well.

Appropriate correction is required.

5. *Because claims 1-22 are so indefinite, no art rejection is warranted as substantial guesswork would be involved in determining the scope and content of these claims.*

See In re Steele, 305 F.2d 859, 134 USPQ 292 (CCPA 1962); Ex parte Brummer, 12 USPQ 2d, 1653, 1655 (BdPatApp&Int 1989); and also In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). Prior art pertinent to the disclosed invention is nevertheless cited and Applicant is reminded they must consider all cited art under Rule 111(c) when amending the claims to conform with 35 U.S.C. § 112.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaneko et al. (U.S. Patent No. 5,278,750) -- Discloses a production schedule making method.

Asthana et al. (U.S. Patent No. 5,265,006) -- Discloses a demand scheduled partial carrier load planning system for the transportation industry.

Kambe et al. (U.S. Patent No. 5,797,113) -- Discloses a method and system for determining transportation routes.

Jones et al. (US 2002/0103726) -- Discloses a method and system for the flexible ordering of inventory from material sources according to material requirements for manufacturing operations.

Soga et al. (U.S. Patent No. 6,304,856) -- Discloses a freight information management method and system using electronic tags.

Barts et al. (US 2004/0107111) -- Discloses a delivery system and method for vehicles and the like.

Borders et al. (US 2001/0047285) -- Discloses a system and method for scheduling delivery of products via the Internet.

Beebe et al. (US 2002/0165804) -- Discloses an automated data warehouse for demand fulfillment system.

Kraisser et al. (US 2002/0147654) -- Discloses real-time delivery feasibility analysis systems and methods.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz
Primary Examiner
Art Unit 3623

October 2, 2006